

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 GUSTAVE LINK,

No. C-12-0726 MMC

12 Plaintiff,

**ORDER DENYING PLAINTIFF'S MOTION
FOR DISQUALIFICATION; DENYING
PLAINTIFF'S MOTION FOR CHANGE OF
VENUE**

13 v.

14 JOHN C. DUNCAN, et al.,

15 Defendants
16 _____/

17 The Court is in receipt of plaintiff's "Motion for Disqualification," filed April 3, 2012,
18 and plaintiff's "Motion for Change of Venue," filed April 3, 2012. Having read and
19 considered the motions, the Court rules as follows.

20 By order filed March 26, 2012, the Court denied plaintiff's "Motion for Recusal,"
21 which motion had been filed pursuant to 28 U.S.C. § 144. The instant motion differs from
22 said prior motion only in that the instant motion is filed pursuant to 28 U.S.C. § 455; the
23 asserted grounds are the same. Irrespective of whether the determination is made
24 pursuant to § 144 or § 455, no grounds for recusal or disqualification exist. See United
25 States v. Studley, 783 F.2d 934, 939 (9th Cir. 1986) (holding "a judge's prior adverse ruling
26 is not sufficient cause for recusal"); see also Link v. California, 385 Fed. Appx. 383, 385
27 (9th Cir. 2010), cert. denied, 131 S. Ct. 2100 (2011).

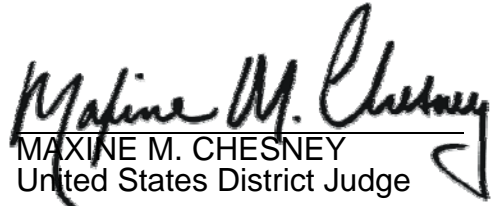
28 Accordingly, the Motion for Disqualification is hereby DENIED.

1 Plaintiff's motion for a change of venue is based entirely on plaintiff's unsupported
2 assertion that grounds for disqualification exist. No such grounds exist, and, further, no
3 cognizable basis for a change of venue exists.

4 Accordingly, the Motion for Change of Venue is hereby DENIED.

5 **IT IS SO ORDERED.**

6
7 Dated: April 9, 2012

8 
MAXINE M. CHESNEY
United States District Judge